

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENT REJECTION OVER
A COMMONLY ASSIGNED ISSUED PATENTS

Docket No.
2316-147

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

N. Leigh ANDERSON *et al.*

Serial No.: 09/851,245

Filed: May 9, 2001

For: AUTOMATED SYSTEM FOR
TWO-DIMENSIONAL
ELECTROPHORESIS

Examiner: A. Noguera

Group Art Unit: 1753

I hereby certify that this correspondence
is being facsimile transmitted to the US
Patent and Trademark Office

(on September 8, 2003)

By:

John C. Robbins
Reg. No. 34,706

TERMINAL DISCLAIMER

Assistant Commissioner
of Patents and Trademarks
Washington, D.C. 20231

Sir:

Petitioner, Large Scale Biology Corporation, is the owner of 100 percent interest in the instant application. Petitioner hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 as shortened by any terminal disclaimer filed prior to the grant of any patent granted on Application Numbers 09/580,266, filed on May 26, 2000, now US Patent No. 6,398,932, 09/642,246, filed August 17, 2000, now US Patent No. 6,507,664, and 09/809,143 filed March 16, 2001, now US Patent No. 6,451,189. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above-listed patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, petitioner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of any patent granted on the co-pending applications, as shortened by any terminal disclaimer filed prior to the patent grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant.

For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned (whose title is supplied below) is empowered to act on behalf of the organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date:

Sept. 8, 2003

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Docket No. 2316-147

707-469-2313

PTO suggested wording for terminal disclaimer was X unchanged changed

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